

REMARKS

Claims 1 to 10 are in the case. Claims 4 to 10 are allowed. No amendment is made in this submission. Reconsideration of the subject application in view of the following remarks is hereby respectfully requested.

Claims 1 and 3 were rejected under 35 U.S.C. § 102(b) as being unpatentable by U.S. Patent 6,577,072 to *Saito et al.* for reasons stated on page 2 of the Office action. For purpose of clarifying the records, applicants respectfully submit that *Saito et al.* has an effective date of June 21, 2001, which is less than one year prior to the filing date of the subject application. Accordingly, *Saito et al.* does not qualify as a reference on which the subject rejection is based.

Applicants respectfully submit that the present claimed invention was made before the effective date of *Saito et al.* To support their position in this regard, applicants respectfully submit herewith a "*Declaration of Man Hay Pong Under 37 C.F.R. § 1.131*" (the "*Declaration*"). Dr. Pong is one of the co-inventors of the claimed invention and thus is qualified to execute the Declaration.

The *Declaration* establishes conception of the claimed invention prior to the effective date of *Saito et al.* (i.e., June 21, 2001) coupled with reasonable due diligence from prior to the reference date to the effective filing date of the subject application (i.e., December 14, 2001). By establishing a prior invention, applicants respectfully submit that *Saito et al.* does not qualify as a prior art reference of the claimed invention. Accordingly, claims 1 and 3 are allowable over *Saito et al.*

In view of the above, applicants respectfully submit that the above rejection is overcome and request that the examiner withdraw the subject rejection.

Claim 2 was objected to as being dependent upon a rejected base claim, but was indicated by the examiner as being allowable if rewritten in independent form including all of the limitations of the base claim. In response, applicants respectfully submit that, in view of the above remarks made in relation to claim 1, claim 2 is also believed to be allowable for at least the same reasons. Therefore, the subject objection is believed to be overcome.

Based on the above remarks, applicants respectfully submit that each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection and objection of the claims and to pass this application to issue. In case the Examiner does not agree with applicants' arguments presented above, applicants respectfully request that the Examiner telephone the undersigned to discuss the remaining issues to expedite the ultimate allowance of this subject application.

No fee is believed to be due for this Amendment. Should any fee be required, please charge such fee to Deposit Account No. 50-2215.

Respectfully submitted,

Dated: June 30, 2004

By 
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Enclosures